



THE DISTRICT COURTS RULES 1948, AMENDMENT NO. 23

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 7th day of February 1989

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING IN COUNCIL

PURSUANT to section 122 of the District Courts Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the District Courts Rules 1948, Amendment No. 23, and shall be read together with and deemed part of the District Courts Rules 1948* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 13th day of March 1989.

2. New scale of Court fees prescribed—(1) The principal rules are hereby amended by revoking the Third Schedule (as substituted by rule 2 (1) of the District Courts Rules 1948, Amendment No. 21 and amended by rule 5 of the District Courts Rules 1948, Amendment No. 22), and substituting the new Third Schedule set out in the Schedule to these rules.

*S.R. 1948/197 (Reprinted with Amendments Nos. 1 to 17: S.R. 1981/259)
Amendment No. 18: (Revoked by S.R. 1987/43)
Amendment No. 19: S.R. 1986/358
Amendment No. 20: (Revoked by S.R. 1988/30)
Amendment No. 21: S.R. 1988/30
Amendment No. 22: S.R. 1988/277

(2) The new Third Schedule substituted by this rule shall apply in respect of any proceedings commenced on or after the date of the coming into force of these rules.

(3) In respect of any proceedings commenced before the date of the coming into force of these rules, no further fee shall be payable under the Schedule hereby revoked, and the appropriate fees, if any, set out in the new Third Schedule substituted by this rule shall be payable in respect of any step in the proceedings taken on or after that date.

3. Goods and services tax included—The fees prescribed by these rules are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

4. Revocations—(1) The District Courts Rules 1948, Amendment No. 21 are hereby consequentially revoked.

(2) Rule 5 of the District Courts Rules 1948, Amendment No. 22 is hereby consequentially revoked.

SCHEDULE
NEW THIRD SCHEDULE TO THE PRINCIPAL RULES
"THIRD SCHEDULE
COURT FEES

R. 2 (1)

[R. 313

| | | Where Claim is Not for Money or is for an Amount Not Exceeding \$2,000 \$ | Where Claim is for an Amount Exceeding \$2,000 \$ |
|-----|--|---|--|
| 1. | Filing plaint note in default action | 40 | 100 |
| 2.* | Filing: | | |
| | (a) Plaint note in action other than default action; or | } 70 | } 100 |
| | (b) Originating application; or | | |
| | (c) Third party notice; or | | |
| | (d) Interpleader affidavit, pursuant to s. 111 of the Act, of a person other than a defendant | | |
| 3.* | Filing counterclaim | 40 | 100 |
| 4.* | Filing (on amount owing under judgment): | | |
| | (a) Application for judgment summons; or | } 40 | } 100 |
| | (b) Application for any warrant of distress, of committal, for recovery of specific chattels, or for recovery of land | | |
| | | | \$ |
| 5. | Filing request for entry of judgment in default action | | 13 |
| 6. | Filing, pursuant to rule 113c (3), an application for a special fixture | | 100 |
| 7. | Filing, pursuant to rule 198 (2), notice of desire to take evidence of witness resident at a distance from, or unable to attend at, Court of hearing, for each witness | | 100 |
| 8. | Hearing fee, for each half day or part thereof after the first day | | 100 |
| 9. | Filing, pursuant to rule 236 or rule 237, application for examination of party, for each party | | 100 |
| 10. | Application for charging order nisi or charging order absolute | | 40 |
| 11. | Filing affidavit in support of garnishee summons | | 70 |
| 12. | Issue of certificate of judgment or order | | 20 |
| 13. | For search in any Court book or of any documents | | 10 |
| 14. | Copy of District Court Judge's or Registrar's notes or of any judgment or other document: | | |
| | (a) Not exceeding 5 pages | | 5 |
| | (b) Exceeding 5 pages | | 15 |

*NOTE—Where a claim for a sum of money is combined with a claim that is not for money, whether in the alternative or not, the fee payable under item 2 or item 3 or item 4 shall be the higher of the fees applicable.

SCHEDULE—*continued*NEW THIRD SCHEDULE TO THE PRINCIPAL RULES—*continued*“THIRD SCHEDULE—*continued*”

15. For expenses of execution of any warrant of committal or writ of arrest: The actual expenses incurred by the bailiff or constable, including the costs of conveyance and lodging in prison of the person arrested.
16. For storage, cartage, and removal of goods, or advertising of goods for sale: Actual and reasonable disbursements.
17. For each person left in possession of any premises: Fees, allowances, and expenses as allowed to a witness in accordance with the Witnesses and Interpreters Fees Regulations 1974*.”

MARIE SHROFF,
Clerk of the Executive Council.

*S.R. 1974/124

Amendment No. 1: (*Revoked by S.R. 1984/268*)

Amendment No. 2: (*Revoked by S.R. 1987/193*)

Amendment No. 3: (*Revoked by S.R. 1987/193*)

Amendment No. 4: (*Revoked by S.R. 1988/147*)

Amendment No. 5: S.R. 1988/147

EXPLANATORY NOTE

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 13 March 1989, prescribe a new scale of Court fees payable in respect of proceedings in the District Court.

The principal changes in the scale are—

- (a) An increase from \$10 to \$13 in the fee payable for filing a request for entry of judgment in a default action;
- (b) An increase from \$75 to \$100 in the fee payable for filing, pursuant to rule 113c (3), an application for a special fixture;
- (c) An increase from \$75 to \$100 in the hearing fee payable for each half day or part thereof after the first day.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 February 1989.

These rules are administered in the Department of Justice.